UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES of AMERICA	)	
	)	
vs.	)	No. 16-cr-00363-JKB
	)	
GERALD JOHNSON, et al.	)	
	)	
Defendants	)	

JOINT MOTION FOR A NEW TRIAL

Now comes Defendants, Gerald Johnson, Kenneth Jones, and Marquise McCants, by their respective attorneys, and hereby moves this Honorable Court pursuant to Federal Rule of Criminal Procedure 33, to grant these defendants a new trial. In support of this motion, the defendants state as follows:

1. The indictment in this case charged Defendants with racketeering conspiracy, and conspiracy to distribute, or possess with intent to distribute, controlled substances. 18 U.S.C. § 1962(d); 21 U.S.C. § 846. Defendant Gerald Johnson was also charged with conspiracy to commit murder in aid of racketeering, 18 U.S.C. §1959(a)(5), murder in aid of racketeering, 18 U.S.C. §1959(a)(5), and possession of ammunition by a felon. 18 U.S.C. § 922(g)(1). Defendant Marquise McCants was also charged with possession of a firearm by a felon. 18 U.S.C. § 922(g)(1).

2. Defendants Johnson, McCants, and Jones were tried before a jury and convicted on all counts on January 25, 2018.

3. The grounds for this Motion are fully set forth in the accompanying Memorandum in Support.

WHEREFORE, Defendants respectfully requests that:

A. This Honorable Court schedule a hearing on this Motion for New Trial.

B. This Honorable Court grant a new trial in this matter

C. For such other further relief as the nature of the defendant's cause may require.

Respectfully Submitted,

/s/ Paul F. Enzinna
Ellerman Enzinna PLLC
1050 30th Street, NW
Washington, DC 20007
202.753.5553
penzinna@ellermanenzinna.com

Jeffrey B. O'Toole
Bonner, Kiernan, Trebach & Crociata, LLP
1233 20th Street NW
8th Floor
Washington D.C. 20036
202.712.7000
otoole@bonnerkiernan.com

Counsel for Defendant Gerald Johnson

/s/ Alan R.L. Bussard
101 E. Chesapeake Avenue
Suite 200
Towson, MD 21286
410-821-1155
alan.bussard@bussardlaw.com

Counsel for Defendant Kenneth Jones

/s/ John R. Francomano III
Francomano & Francomano, P.A.
101 E. Chesapeake Avenue
Suite 200
Towson, MD 21286

410-307-1100
jrfiii@fandflawyers.com

Counsel for Defendant Marquise McCants

REQUEST FOR HEARING

Pursuant to Rule 105.6 of the local rule of the United States District Court for the District of Maryland, a hearing is requested on the Defendants' Motion.

/s/
John R. Francomano III, Esquire
Paul F. Enzinna, Esquire
Jeffrey B. O'Toole, Esquire
Alan R.L. Bussard, Esquire

CERTIFICATE OF SERVICE

I certify that on February 8, 2018, a copy of the foregoing Defendants' Joint Motion for a New Trial was filed using the CM/ECF system, with a notice of said filing to the following:

Peter J. Martinez, Esquire
Christina A. Hoffman, Esquire
Ass. U.S. Attorneys
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201

/s/
John R. Francomano III, Esquire
Paul F. Enzinna, Esquire
Jeffrey B. O'Toole, Esquire
Alan R.L. Bussard, Esquire